

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01447-TNM**

GRAVES GARRETT, LLC et al v. UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 06/19/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

GRAVES GARRETT, LLC

represented by **Callie Pippin Raitinger**
GRAVES GARRETT LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
(816) 256-3181
Fax: (816) 256-5958
Email: craitinger@gravesgarrett.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Edward D. Greim
GRAVES BARTLE MARCUS &
GARRETT LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
(816) 256-3181
Fax: (816) 817-0863
Email: edgreim@gravesgarrett.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Benton Hurst
GRAVES GARRETT, LLC
1100 Main Street
Suite 2700
Kansas City, MO 64105
(816) 256-3181
Email: bhurst@gravesgarrett.com
TERMINATED: 11/20/2018

Plaintiff

JOHN BENTON HURST

represented by **Callie Pippin Raitinger**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Edward D. Greim
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Benton Hurst
(See above for address)
TERMINATED: 11/20/2018

V.

Defendant**UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

represented by **Rhonda Lisa Campbell**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2559
 Fax: (202) 252-2599
 Email: rhonda.campbell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/19/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5542301) filed by GRAVES GARRETT, LLC, JOHN BENTON HURST. (Attachments: # <u>1</u> Exhibit 1 – 11-29-2017 Letter from HHS to Plaintiffs re HHS Request 280, 284, # <u>2</u> Exhibit 2 – 12-15-2017 Letter from Plaintiffs to HHS re HHS Requests 280, 284, # <u>3</u> Exhibit 3 – 01-05-2018 Letter from Plaintiffs to HHS re HHS Requests 280, 284, # <u>4</u> Exhibit 4 – 02-23-2018 Email Correspondence between Plaintiffs and HHS re HHS Requests 280, 284, # <u>5</u> Exhibit 5 – 04-27-2018 Letter from Plaintiffs to HHS re Delays in Production HHS Requests 280, 284, # <u>6</u> Exhibit 6 – 01-25-2018 Letter from HHS to Plaintiffs re Referral of Records HHS Request 271, # <u>7</u> Exhibit 7 – 01-25-2018 Letter from HHS to Plaintiffs re Withholding of Records HHS Request 271, # <u>8</u> Exhibit 8 – 04-20-2018 Plaintiffs Administrative Appeal of Withholding of Records HHS Request 271, # <u>9</u> Exhibit 9 – 02-20-2018 Letter from HHS to Plaintiffs re Production and Withholding HHS Requests 270, 277, # <u>10</u> Exhibit 10 – 05-01-2018 Plaintiffs Administrative Appeal of Withholding of Records HHS Requests 270, 277, 279, 282, 283, # <u>11</u> Exhibit 11 – 02-20-2018 Letter from HHS to Plaintiffs re Production and Withholding HHS Requests 279, 283, # <u>12</u> Exhibit 12 – 02-02-2018 Letter from HHS to Plaintiffs re Production and Withholding HHS Request 282, # <u>13</u> Civil Cover Sheet, # <u>14</u> Summons Attorney General of the United States, # <u>15</u> Summons United States Attorney's Office, # <u>16</u> Summons United States Department of Health and Human Services)(Hurst, John). (Attachment 13 replaced on 6/29/2018) (zmd). (Entered: 06/19/2018)
06/19/2018	<u>2</u>	Corporate Disclosure Statement by GRAVES GARRETT, LLC. (Hurst, John) (Entered: 06/19/2018)
06/19/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 06/21/2018)
06/21/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 06/21/2018)
06/21/2018	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 6/21/2018. (lctnm3) (Entered: 06/21/2018)
07/09/2018	<u>5</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Campbell, Rhonda) (Entered: 07/09/2018)
07/10/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 6/25/2018 (Hurst, John) (Entered: 07/10/2018)
07/10/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/25/2018. (Hurst, John) (Entered: 07/10/2018)

07/10/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/25/2018. Answer due for ALL FEDERAL DEFENDANTS by 7/25/2018. (Hurst, John) (Entered: 07/10/2018)
07/25/2018	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Campbell, Rhonda) (Entered: 07/25/2018)
07/31/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before August 21, 2018. Signed by Judge Trevor N. McFadden on 7/31/2018. (lctnm3) (Entered: 07/31/2018)
07/31/2018		Set/Reset Deadlines: Joint Status Report due by 8/21/2018. (hmc) (Entered: 07/31/2018)
08/21/2018	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Campbell, Rhonda) (Entered: 08/21/2018)
08/21/2018		MINUTE ORDER: Upon consideration of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties will file a further update on or before September 11, 2018 that shall include a proposed records production schedule. Signed by Judge Trevor N. McFadden on 8/21/2018. (lctnm3) (Entered: 08/21/2018)
08/22/2018		Set/Reset Deadlines: A further Joint Status Report is due by 9/11/2018. (hmc) (Entered: 08/22/2018)
09/07/2018	<u>11</u>	NOTICE of Appearance by Edward D. Greim on behalf of GRAVES GARRETT, LLC, JOHN BENTON HURST (Greim, Edward) (Entered: 09/07/2018)
09/11/2018	<u>12</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC, JOHN BENTON HURST. (Attachments: # <u>1</u> Text of Proposed Order)(Hurst, John) (Entered: 09/11/2018)
09/12/2018	<u>13</u>	SCHEDULING ORDER: Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall adhere to the briefing and status report schedule outlined in the attached Order. Signed by Judge Trevor N. McFadden on 9/12/2018. (lctnm3) (Entered: 09/12/2018)
09/12/2018		Set/Reset Deadlines: Defendant's production of half of all records due by 10/11/2018. Defendant's production of all remaining records due by 11/9/2018. Defendant's Vaughn Index due by 12/3/2018. Defendant's Motion for Summary Judgment due by 12/17/2018. Plaintiffs' opposition to Defendant's Motion for Summary Judgment and Cross-Motion due by 1/4/2019. Defendant's reply in support of its Motion for Summary Judgment and opposition to Plaintiffs' Cross-Motion due by 1/18/2019. Plaintiffs' reply in support of their Cross-Motion due by 2/1/2019. Joint Status Report due by 10/11/2018. (hmc) (Entered: 09/12/2018)
10/11/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Declaration Stabile)(Campbell, Rhonda) (Entered: 10/11/2018)
10/12/2018		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, a status conference is hereby set for October 26, 2018 at 11:00 a.m. in Courtroom 2 before Judge Trevor N. McFadden. The parties shall present proposed production schedules and reasons in support thereof during the conference. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/12/2018. (lctnm3) (Entered: 10/12/2018)
10/12/2018		Set/Reset Hearings: Status Conference set for 10/26/2018 at 11:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 10/12/2018)
10/26/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 10/26/2018. The Court's <u>13</u> Scheduling Order is vacated in its entirety. The Defendant's rolling production of documents shall begin on 12/1/2018,

		producing no less than 500 pages per month until production is complete. A Joint Status Report is due monthly beginning 12/10/2018, and continuing on or before the 10th of every month until production is complete. (Court Reporter: Lisa Edwards.) (hmc) (Entered: 10/26/2018)
10/30/2018	<u>15</u>	<p>TRANSCRIPT OF STATUS CONFERENCE before Judge Trevor N. McFadden held on October 26, 2018; Page Numbers: 1–24. Date of Issuance: October 30, 2018. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354–3269. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/20/2018. Redacted Transcript Deadline set for 11/30/2018. Release of Transcript Restriction set for 1/28/2019.(Edwards, Lisa) (Entered: 10/30/2018)</p>
11/20/2018	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to GRAVES GARRETT, LLC, JOHN BENTON HURST. Attorney John Benton Hurst terminated. (Hurst, John) (Entered: 11/20/2018)
12/10/2018	<u>17</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC, JOHN BENTON HURST. (Greim, Edward) (Entered: 12/10/2018)
12/13/2018	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Callie Pippin Raitinger, :Firm– Graves Garrett LLC, :Address– 1100 Main Street, Suite 2700, Kansas City, MO 64105. Phone No. – (816) 256–3181. Fax No. – (816) 256–5958 Filing fee \$ 100, receipt number 0090–5837844. Fee Status: Fee Paid. by GRAVES GARRETT, LLC, JOHN BENTON HURST (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Greim, Edward) (Entered: 12/13/2018)
12/13/2018		MINUTE ORDER granting the <u>18</u> Motion for Leave to Appear Pro Hac Vice. Attorney Callie Pippin Raitinger shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 12/13/2018. (lctnm3) (Entered: 12/13/2018)
01/07/2019	<u>19</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/07/2019)
01/08/2019	<u>20</u>	RESPONSE re <u>19</u> MOTION to Stay MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> filed by GRAVES GARRETT, LLC, JOHN BENTON HURST. (Greim, Edward) (Entered: 01/08/2019)
01/09/2019		MINUTE ORDER: Upon considering the Defendant's <u>19</u> Motion to Stay and the Plaintiffs' <u>20</u> Response, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant shall notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/9/2019. (lctnm3) (Entered: 01/09/2019)
01/30/2019	<u>21</u>	NOTICE of Restored Funding by UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Campbell, Rhonda) (Entered: 01/30/2019)
01/30/2019		MINUTE ORDER: Upon consideration of the Defendant's <u>21</u> Notice, the Court hereby lifts the stay in this case. The October 26 production schedule ordered by the Court shall resume. The parties shall file a Joint Status Report on or before February 10,

		2018, and on the 10th of each month thereafter until production is complete. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/30/2019. (lctnm3) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/10/2019, and on the 10th of each month thereafter. (hmc) (Entered: 01/30/2019)
01/31/2019	<u>22</u>	Joint STATUS REPORT by GRAVES GARRETT, LLC, JOHN BENTON HURST. (Raitinger, Callie) (Entered: 01/31/2019)